

### REMARKS

Claim 1 has been amended. Claim 37 remains in its original form. Claim 37 was rejected as being unpatentable over Lowrey or Harshfield '287 taken with Harshfield '720. The office action points out that Lowrey does not recite the additional electrode, the lower electrode, or second cup-shaped connection layer under the phase change material and the sidewall spacer. Harshfield '720 is cited as teaching the provision of a conductor 42 and an electrical connection 46. It is argued that it would have been obvious to have employed a two-portion electrode wherein the area of contacting with the phase change material in the upper electrode can be reduced using sidewall spacers as taught by Harshfield.

In the claimed invention, a tubular conductor contacts a cup-shaped conductor that receives the phase change material. As a result, the tubular or "radially spaced" contact can be brought back centrally to heat the phase change material from the center. This conversion of tubular to tubular cup is nowhere suggested in the references. The reference that is apparently taught as teaching the rationale to combine other references has no outside in arrangement. Instead, it has a chunk of material that contacts a pillar in the middle. But, of course, conduction is probably through the center of the lower material up through the pillar.


Likewise, the Lowrey reference only shows an outside or radially spaced arrangement and does not show conversion to a more central contact. The same appears to be true in the Harshfield '287 reference.

None of the references, or even their combination, teaches such a tubular stack or even how to stack two tubes.

Thus, since none of the references teaches the stack of two tubular electrodes, the claimed invention patentably distinguishes over the art of record.

Respectfully submitted,

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